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| APPLICATION NUMBER | FILING OR 371 (c) DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NUMBER |
|--------------------|------------------------|-----------------------|------------------------|
| 10/801,078         | 03/15/2004             | Krzysztof Palczewski  | 016336-002020US        |

CONFIRMATION NO. 9475

20350  
 TOWNSEND AND TOWNSEND AND CREW, LLP  
 TWO EMBARCADERO CENTER  
 EIGHTH FLOOR  
 SAN FRANCISCO, CA 94111-3834

## FORMALITIES LETTER



\*OC000000012828257\*

Date Mailed: 06/01/2004

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

08/02/2004 HDENESS1 00000002 201430 10801078

FILED UNDER 37 CFR 1.53(b)

01 FC:2001 385.00 DA  
 02 FC:2201 129.00 DA  
 03 FC:2202 126.00 DA  
 04 FC:2051 65.00 DA

*Filing Date Granted*Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 385 to complete the basic filing fee for a small entity.*
- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Additional claim fees of **\$255** as a small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **\$705** for a Small Entity

- **\$385** Statutory basic filing fee.
- **\$65** Late oath or declaration Surcharge.

- Total additional claim fee(s) for this application is **\$255**

- **\$129** for 3 independent claims over 3.
- **\$126** for 14 total claims over 20.

Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

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*A copy of this notice **MUST** be returned with the reply.*

  
\_\_\_\_\_  
Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Mail Stop Missing Parts, Alexandria, VA 22313-1450 on 07-27-04

By: [Signature]



PATENT  
Attorney Docket No. 16336-002020US

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re the application of:

KRZYSZTOF PALCZEWSKI *et al.*

Application No.: 10/801,078

Filed: March 15, 2004

For: STABILIZED MUTANT OPSIN  
PROTEINS

Examiner: Unassigned

Art Unit: 1614

**RESPONSE TO NOTICE  
TO FILE MISSING PARTS**

Assistant Commissioner for Patents  
P.O. Box 1450, Mail Stop Missing Parts  
Alexandria, VA 22313-1450

Dear Sir:

In response to the Notice to File Missing Parts of Nonprovisional Application dated June 1, 2004, enclosed herewith are the following to be made of record in the above-identified patent application:

- (1) Executed Declaration of Krzysztof Palczewski;
- (2) Executed Declaration of Vladimir Kuksa;
- (3) Executed Declaration of Shalesh Kaushal and Syed M. Noorwez;
- (4) Fee Transmittal;
- (5) Application Data Sheet; and
- (6) Copy of the Notice to File Missing Parts.

The Commissioner is hereby authorized to charge the additional claims fees, basic filing fee, and missing parts surcharge as indicated on the attached Fee Transmittal. If any additional fees under 37 CFR §1.17 associated with this paper or during the pendency of this application are required, the Commissioner is authorized to charge the fees to Townsend and Townsend and Crew Deposit Account No. 20-1430. Two copies of the Fee Transmittal are enclosed for accounting purposes.

Respectfully submitted,

Dated: July 27, 2004

By: Steven W. Parmelee  
Steven W. Parmelee  
Reg. No. 31,990

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, 8<sup>th</sup> Floor  
San Francisco, CA 94111  
Telephone: (206) 467-9600  
Facsimile: (415) 576-0300

SWP/jms  
60267305 v1

**FEE TRANSMITTAL  
for FY 2004**

Effective 10/01/2003. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT** (\$) 705**Complete if Known**

|                      |                       |
|----------------------|-----------------------|
| Application Number   | 10/801,078            |
| Filing Date          | March 15, 2004        |
| First Named Inventor | Palczewski, Krzysztof |
| Examiner Name        | Unassigned            |
| Art Unit             | 1614                  |
| Attorney Docket No.  | 016336-002020US       |

**METHOD OF PAYMENT (check all that apply)**☐ Check ☐ Credit Card ☐ Money Order ☐ Other ☐ None☒ Deposit Account:Deposit  
Account  
Number

20-1430

Deposit  
Account  
Name

Townsend and Townsend and Crew LLP

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee  
to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

| Large Entity        | Small Entity | Fee Code | Fee (\$) | Fee Description                | Fee Paid       |
|---------------------|--------------|----------|----------|--------------------------------|----------------|
|                     |              | 1001     | 770      | 2001 385 Utility filing fee    | 385            |
|                     |              | 1002     | 340      | 2002 170 Design filing fee     |                |
|                     |              | 1003     | 530      | 2003 265 Plant filing fee      |                |
|                     |              | 1004     | 770      | 2004 385 Reissue filing fee    |                |
|                     |              | 1005     | 160      | 2005 80 Provisional filing fee |                |
| <b>SUBTOTAL (1)</b> |              |          |          |                                | <b>(\$385)</b> |

**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

| Large Entity        | Small Entity | Fee Code | Fee (\$) | Fee Description   | Fee Paid       |
|---------------------|--------------|----------|----------|---|----------------|
|                     |              | 1202     | 18       | 2202 9 Claims in excess of 20                                     |                |
|                     |              | 1201     | 86       | 2201 43 Independent claims in excess of 3                         |                |
|                     |              | 1203     | 290      | 2203 145 Multiple dependent claim, if not paid                    |                |
|                     |              | 1204     | 86       | 2204 43 ** Reissue independent claims over original patent        |                |
|                     |              | 1205     | 18       | 2205 9 ** Reissue claims in excess of 20 and over original patent |                |
| <b>SUBTOTAL (2)</b> |              |          |          |   | <b>(\$255)</b> |

\*\*or number previously paid, if greater; For Reissues, see above

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

| Large    | Entity   | Small    | Entity   | Fee Description  | Fee Paid |
|----------|----------|----------|----------|--|----------|
| Fee Code | Fee (\$) | Fee Code | Fee (\$) |  |          |
| 1051     | 130      | 2051     | 65       | Surcharge - late filing fee or oath  | 65       |
| 1052     | 50       | 2052     | 25       | Surcharge - late provisional filing fee or cover sheet.                    |          |
| 1053     | 130      | 1053     | 130      | Non-English specification  |          |
| 1812     | 2,520    | 1812     | 2,520    | For filing a request for reexamination                                     |          |
| 1804     | 920*     | 1804     | 920*     | Requesting publication of SIR prior to Examiner action                     |          |
| 1805     | 1,840*   | 1805     | 1,840*   | Requesting publication of SIR after Examiner action                        |          |
| 1251     | 110      | 2251     | 55       | Extension for reply within first month                                     |          |
| 1252     | 420      | 2252     | 210      | Extension for reply within second month                                    |          |
| 1253     | 950      | 2253     | 475      | Extension for reply within third month                                     |          |
| 1254     | 1,480    | 2254     | 740      | Extension for reply within fourth month                                    |          |
| 1255     | 2,010    | 2255     | 1,005    | Extension for reply within fifth month                                     |          |
| 1401     | 330      | 2401     | 165      | Notice of Appeal   |          |
| 1402     | 330      | 2402     | 165      | Filing a brief in support of an appeal                                     |          |
| 1403     | 290      | 2403     | 145      | Request for oral hearing   |          |
| 1451     | 1,510    | 1451     | 1,510    | Petition to institute a public use proceeding                              |          |
| 1452     | 110      | 2452     | 55       | Petition to revive - unavoidable   |          |
| 1453     | 1,330    | 2453     | 665      | Petition to revive - unintentional   |          |
| 1501     | 1,330    | 2501     | 665      | Utility issue fee (or reissue)   |          |
| 1502     | 480      | 2502     | 240      | Design issue fee   |          |
| 1503     | 640      | 2503     | 320      | Plant issue fee  |          |
| 1460     | 130      | 1460     | 130      | Petitions to the Commissioner  |          |
| 1807     | 50       | 1807     | 50       | Petitions related to provisional applications                              |          |
| 1806     | 180      | 1806     | 180      | Submission of Information Disclosure Stmt                                  |          |
| 8021     | 40       | 8021     | 40       | Recording each patent assignment per property (times number of properties) |          |
| 1809     | 770      | 2809     | 385      | Filing a submission after final rejection (37 CFR § 1.129(a))              |          |
| 1810     | 770      | 2810     | 385      | For each additional invention to be examined (37 CFR § 1.129(b))           |          |
| 1801     | 770      | 2801     | 385      | Request for Continued Examination (RCE)                                    |          |
| 1802     | 900      | 1802     | 900      | Request for expedited examination of a design application                  |          |

Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid **SUBTOTAL (3)**

(\$)

**SUBMITTED BY****Complete (if applicable)**

|                   |                    |                                   |        |           |              |
|-------------------|--------------------|-----------------------------------|--------|-----------|--------------|
| Name (Print/Type) | Steven W. Parmelee | Registration No. (Attorney/Agent) | 31,990 | Telephone | 206-467-9600 |
|-------------------|--------------------|-----------------------------------|--------|-----------|--------------|

Signature

Date

July 27, 2004

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.